

CITIZENS ADVISORY COMMITTEE OF THE SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN

AGENDA

DATE: February 18, 2010
TIME: 6:00pm – 8:00pm
LOCATION: San Antonio Water System – Room 154
2800 U.S. Hwy 281 North
San Antonio, TX 78298-2449
MATERIALS: Back-up materials for this meeting are posted on the SEPHCP project website at www.sephcp.com/committees

1. Call to Order – Andy Winter (Bexar County)
2. Public Comments (3 minutes per speaker)
3. Presentation and discussion of Texas Open Meetings Act and Public Information Act requirements – Allison Elder (Braun & Associates)
4. Discussion and appropriate action on adopting operational procedures –facilitated by Sonia Jimenez (Ximenes & Associates)
5. Discussion and appropriate action on adopting a charge - facilitated by Sonia Jimenez (Ximenes & Associates)
6. Discussion and appropriate action on election of a CAC chairperson – Andy Winter (Bexar County)
7. Presentation and discussion of Comal County's experience with regional habitat conservation planning – Tom Hornseth (Comal County Engineer and CAC member).

BREAK (10 minutes)

8. Discussion and appropriate action on defining the SEP-HCP Plan Area - facilitated by Sonia Jimenez (Ximenes & Associates)
9. Discussion and appropriate action on defining the list of SEP-HCP covered species - facilitated by Sonia Jimenez (Ximenes & Associates)
10. Next Meeting and Requested Agenda Items – CAC Chairperson
11. Adjourn - CAC Chairperson

Backup Materials:

- Draft minutes from January 19, 2010 CAC meeting (distributed via email to CAC members)
- Draft operational procedures for the CAC
- Draft charge to the CAC
- Plan Area briefing paper including BAT recommendation
- Covered Species briefing paper and TPWD species list spreadsheet
- General resource exhibits
- Meeting schedule form

DRAFT CHARGE TO THE SEP-HCP CAC

Bexar County proposes to charge the Citizens Advisory Committee (CAC) of the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP) with the following tasks:

- The landowner members of the CAC will appoint one member of the Biological Advisory Team.
- Provide recommendations for the overall vision, goals, and objectives of the SEP-HCP.
- Recommend a preferred alternative for each of the SEP-HCP major framing issues, including: AC
 - Boundaries of the Plan Area
 - Species to be Covered for Incidental Take
 - Activities to be Covered for Incidental Take
 - Conservation Strategy, and
 - Funding Strategy.
- Provide recommendations for the form and level of mitigation required of plan participants, and the methods for determining such requirements.

DRAFT OPERATIONAL RULES FOR THE SEP-HCP CAC

Actions of the CAC

- A quorum of 11 CAC members must be present to deliberate or take action.
- Due to the provisions of the Texas Open Meetings Act, alternates or proxies for appointed CAC members will not be recognized.
- A motion and second from the CAC is required before action is taken on an issue.
- The CAC will strive for consensus, but a majority of CAC members present for a vote is sufficient to carry a motion.
- Dissenting opinions may be submitted for the record, at the discretion of the dissenter, and Bexar County will be informed of the vote count for CAC actions.

Minutes and Records

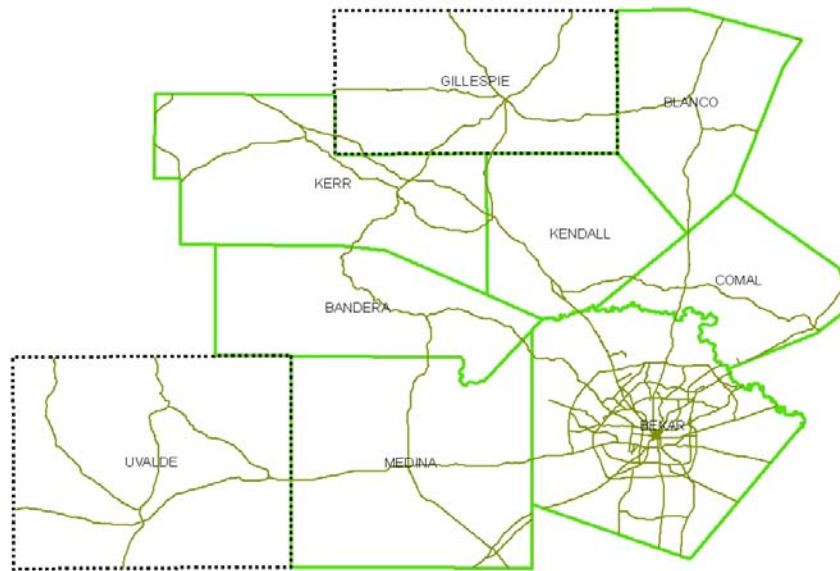
- The consultant team will take notes at meetings and prepare draft minutes for CAC consideration, amendment (if necessary), and approval at the subsequent meeting.
- Approved minutes will be posted on the SEP-HCP website.
- An audio recording of CAC meetings will be captured and archived for the record.
- All materials will be distributed to the CAC for consideration via email or the SEP-HCP website.

Public Comments

- Each CAC meeting will include an opportunity for public comment identified on the agenda.
- Individuals will be limited to 3 minutes of speaking time per meeting.
- The CAC will not engage in discussion during the public comment agenda item.
- Public comments at meetings will not be received outside of the posted agenda item.
- The public may provide written comments to the CAC at any time via info@sephcp.com.

Communications

- The CAC will refrain from discussing SEP-HCP business outside of a posted meeting.
- Email to and among CAC members will only be used to disseminate information.
- Comments, suggestions, and other communications from CAC members regarding SEP-HCP business outside of a posted meeting should be sent to the CAC Chair, Bexar County SEP-HCP representative, and/or the consultant team.



BAT RECOMMENDATIONS FOR DRAFT SEP-HCP PLAN AREA

The Biological Advisory Team (BAT) of the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP) submits by consensus the following recommendation for a draft SEP-HCP Plan Area:

The draft SEP-HCP Plan Area includes all of Bexar, Medina, Bandera, Kerr, Kendall, Blanco, and Comal counties. The BAT may reconsider the possible addition of Uvalde and Gillespie counties based on future deliberations.

Considerations most often used in discussion included the following factors:

- Distance from future T/E habitat loss (Source of "Take")
 - Proximity and direction from future San Antonio growth
- Ecological and vegetative similarity to future "Take"
 - Similarity of GCWA and BCVI habitat
- Availability of karst features
 - number of known features
 - potential of discovering additional features
- Opportunities for GCWA mitigation
- Opportunities for multiple aquatic species protection (bang for buck)

The BAT discussed the following specific issues by county during their deliberations:

- Bexar, Kendall, and Kerr counties should be included in the Plan Area due to their opportunities for mitigation, and ecological similarity and proximity to Bexar County
- Western parts of the southern Edwards Plateau (Edwards, Real, Kinney, Kimble) should be generally excluded, particularly for reasons regarding a lack of connection to Bexar County karst and groundwater resources and their considerable distance from the San Antonio area.
- Medina County should be included as a whole, but noted that take and mitigation would likely only be relevant north of Highway 90.
- Blanco County inclusion was warranted to help address the development occurring along the Hwy 281 corridor, known T/E habitat in the southern portions of the county, and to address conservation of several rare salamanders.

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- Real County was excluded due to several factors. Of primary importance to the BAT was the lack of proximity to the future "Take" Authorization in San Antonio.
- Gillespie County was excluded from the Plan Area due to its distance from Bexar County, but the BAT stated the desire to revisit the inclusion of Gillespie County in the future.
- Uvalde County should be excluded from the Plan Area, but the BAT reserves the right to revisit the possible inclusion of this county.
- The potential exists to include select portions of some counties, delineated by easily recognized boundaries. To facilitate economic impact analysis and prevent PR confusion, whole counties would be analyzed.

Comal County: The BAT found that there were biological and logistical reasons to include Comal County in the Plan Area. As Comal County is in the process of finalizing their own HCP application, there may be political or legal difficulties with having overlapping HCPs. Administratively, the SEP-HCP could seek an interlocal agreement with Comal County to pursue joint opportunities for GCW conservation in Comal County, which could benefit both regional plans by leveraging available conservation funds to possibly acquire larger, more biologically significant parcels than either plan could do alone.

The BAT recommends immediately engaging in conversations with Comal County to discuss possibilities of cooperation, if nothing other than to include a short statement in the Comal County HCP stating their desire to cooperate. On recommendation from Loomis Partners, BAT considered excluding Comal County from Take Authorization, but including it for mitigation purposes, if a cooperative agreement can be reached.

SEP-HCP COVERED SPECIES

Considerations, Draft Recommendations, and Alternatives for Discussion

1.0 General Considerations

In the customary terminology used in ESA Section 10(a) permitting, "Covered Species" are those species for which incidental take coverage will be sought.

- Incidental take authorization under the ESA is only needed for federally listed species.
- HCPs can cover non-listed species as long as they are treated as if they were listed.

The grant application anticipated coverage of all listed species in Bexar County. The grant application referenced 13 terrestrial species for possible coverage under the SEP-HCP.

Number of species covered will affect the complexity of the conservation plan, which has implications for the project scope and schedule.

To obtain incidental take coverage for a species:

- Must have sufficient information to:
 - perform a quantitative take and impacts analysis
 - design effective conservation actions with measurable benefits (avoid, minimize, mitigate)
- Conservation actions for the covered species must be practicable to implement.
- Requested take must not jeopardize the survival and recovery of the species in the wild.

Plants are treated differently than wildlife under the ESA.

- Section 9 of the ESA does not prohibit the incidental taking of listed plants on non-Federal property, unless such taking would violate state law. (Texas affords no special protection for federally listed plants.) Therefore, the USFWS can not issue an incidental take permit for plants in Texas, nor is one required under the ESA.
- However, issuance of an incidental take permit must not jeopardize the continued existence of a listed plant species or result in the destruction or adverse modification of designated critical habitat for a plant species (otherwise the permit can not be issued).

Chapter 83 Texas Parks and Wildlife Code Considerations and Questions:

- Section 83.011(2) defines "endangered species" as a species listed by the United States Department of the Interior as endangered or threatened under the federal act.
- Section 83.013(e) states that government entities may not implement a plan or apply for a federal permit for endangered species that become delisted.
- Section 83.015(a) requires that a regional habitat conservation plan, including any mitigation fee, shall be based on the amount of harm to endangered species protected by the plan.

2.0 Starting List for Covered Species: Federally Listed Species in Bexar County

(per TPWD County Lists of Rare Species, last revised October 6, 2009)

1	ARACHNIDS	Robber Baron Cave meshweaver	<i>Cicurina baronia</i>
2	ARACHNIDS	Madla Cave meshweaver	<i>Cicurina madla</i>
3	ARACHNIDS	Bracken Bat Cave meshweaver	<i>Cicurina venii</i>
4	ARACHNIDS	Govt. Canyon Bat Cave meshweaver	<i>Cicurina vespera</i>
5	ARACHNIDS	Government Canyon Bat Cave spider	<i>Neoleptoneta microps</i>
6	ARACHNIDS	Cokendolpher Cave harvestman	<i>Texella cokendolpheri</i>
7	BIRDS	Golden-cheeked Warbler	<i>Dendroica chrysoparia</i>
8	BIRDS	Black-capped Vireo	<i>Vireo atricapilla</i>
9	BIRDS	Whooping Crane	<i>Grus americana</i>
10	BIRDS	Interior Least Tern	<i>Sterna antillarum athalassos</i>
11	INSECTS	A ground beetle	<i>Rhadine exilis</i>
12	INSECTS	A ground beetle	<i>Rhadine infernalis</i>
13	INSECTS	Helotes mold beetle	<i>Batrisodes venyivi</i>
14	MAMMALS	Gray wolf	<i>Canis lupus</i>
15	MAMMALS	Red wolf	<i>Canis rufus</i>

3.0 Considerations for Removing Species from the Starting List

Likely Jeopardy Conflicts: Zara Environmental reviewed the list of federally endangered karst invertebrates in Bexar County (see attached report dated January 6, 2010), and found that six of these species are known from less than five different localities, including:

- Robber Baron Cave meshweaver (*Cicurina baronia*)
- Bracken Bat Cave meshweaver (*Cicurina venii*)
- Government Canyon Bat Cave meshweaver (*Cicurina vespera*)
- Government Canyon Bat Cave spider (*Neoleptoneta microps*)
- Cokendolpher Cave harvestman (*Texella cokendolpheri*)
- Helotes mold beetle (*Batrisodes venyivi*)

Obtaining incidental take coverage for these 6 species would likely not be possible, since (based on currently available information) any take of these species could result in a jeopardy determination by the USFWS. (Note: A possible synonymy between *Cicurina madla* and *Cicurina vespera* has been suggested by Paquin and Hedin (2004), which if confirmed could allow the SEP-HCP to also cover *C. vespera*).

Extirpation from Texas: Two of the federally listed species for Bexar County are thought to be extirpated from Texas, including:

- Gray wolf (*Canis lupus*)
- Red wolf (*Canis rufus*)

Since these species are no longer expected to occur in Texas, seeking incidental take authorization for these species may not be warranted.

Incidental Take Authorization Not Warranted: Incidental take coverage for the following species may not be warranted:

- Whooping crane (*Grus americana*) -- The whooping crane is a seasonal migrant in the region and is not known to habitually make stop-overs in this area, making the need for incidental take authorization unlikely.
- Interior least tern (*Sterna antillarum athalassos*) -- According to the TPWD, breeding sites for the interior least tern are currently known to occur at only a handful of locations in Texas along the Rio Grande, the Canadian River, the Red River, and the Prairie Dog

Town Fork of the Red River, and the species winters along the Texas Gulf Coast (Campbell 2003).

4.0 Considerations for Adding Species to the Starting List

- Is take authorization warranted? (are impacts likely? is a permit needed?)
- Is obtaining take authorization possible? (no jeopardy, no plants, Chapter 83 issues)
- Do we have enough information to quantify take and impacts?
- Do we have enough information to design effective mitigation measures?
- Are effective mitigation measures practicable? (does the permit holder have the authority and ability to implement effective mitigation measures?)

Likely candidates for future listing during the anticipated duration of the SEP-HCP may include those that have already been petitioned (list filtered from file provided by Julie Groce and cross-referenced with TPWD lists for species occurring in this region).

- Petitioned Species with Ranges Covering Bexar County:

AMPHIBIANS	Texas salamander	<i>Eurycea neotenes</i>
AMPHIBIANS	Comal blind salamander	<i>Eurycea tridentifera</i>
FISHES	Widemouth blindcat	<i>Satan eurystomus</i>
FISHES	Toothless blindcat	<i>Trogloglanis pattersoni</i>
MOLLUSKS	Texas fatmucket	<i>Lampsilis bracteata</i>
MOLLUSKS	Mimic cavesnail	<i>Phreatodrobia imitata</i>
MOLLUSKS	Golden orb	<i>Quadrula aurea</i>
MOLLUSKS	Texas pimpleback	<i>Quadrula petrina</i>
MOLLUSKS	False spike mussel	<i>Quincuncina mitchelli</i>
PLANTS	Big red sage	<i>Salvia pentstemonoides</i>

- Petitioned Species with Ranges Covering Medina, Bandera, Kerr, Kendall, and Comal counties:

FISHES	Edwards Plateau shiner	<i>Cyprinella lepida</i>
INSECTS	Edwards Aquifer diving beetle	<i>Haideoporus texanus</i>

- Petitioned Species with Ranges Covering other Southern Edwards Plateau Counties:

MOLLUSKS	Salina mucket	<i>Potamilus metnecktayi</i>
MOLLUSKS	Smooth pimpleback	<i>Quadrula houstonensis</i>
MOLLUSKS	Mexican fawnsfoot mussel	<i>Truncilla cognata</i>
MOLLUSKS	Texas fawnsfoot	<i>Truncilla macrodon</i>
PLANTS	Don Richard's spring moss	<i>Donrichardsia macroneuron</i>

5.0 Considerations and Alternatives for Addressing Additional Species in the SEP-HCP

Jeopardy Avoidance

SEP-HCP may need to include targeted conservation measures for other listed species not covered by the SEP-HCP to avoid a jeopardy determination by the USFWS (jeopardy determinations only apply to federally listed species). Possible species to consider include:

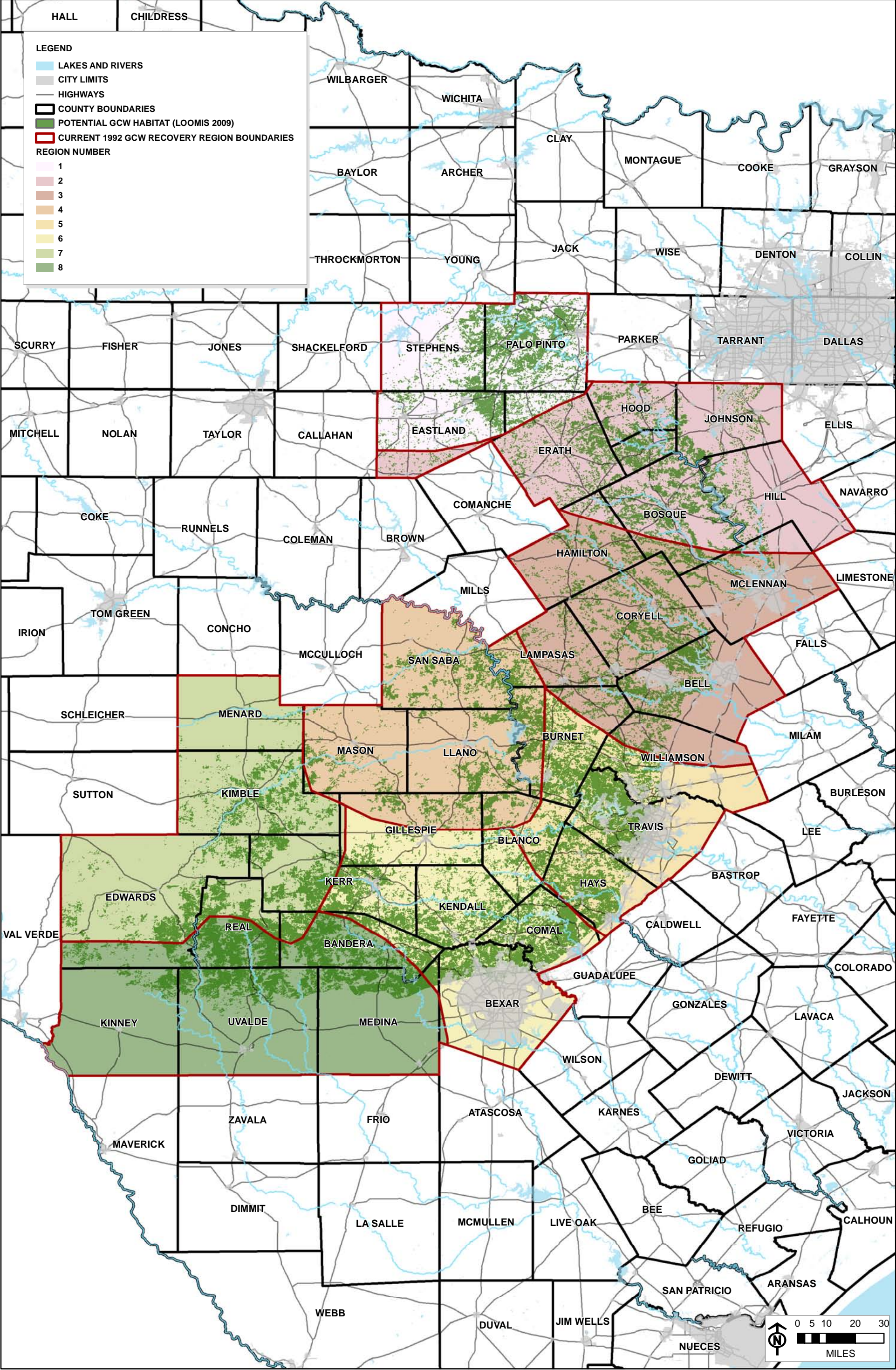
- Federally listed plants
- Federally listed aquatic or aquifer species outside of Bexar County

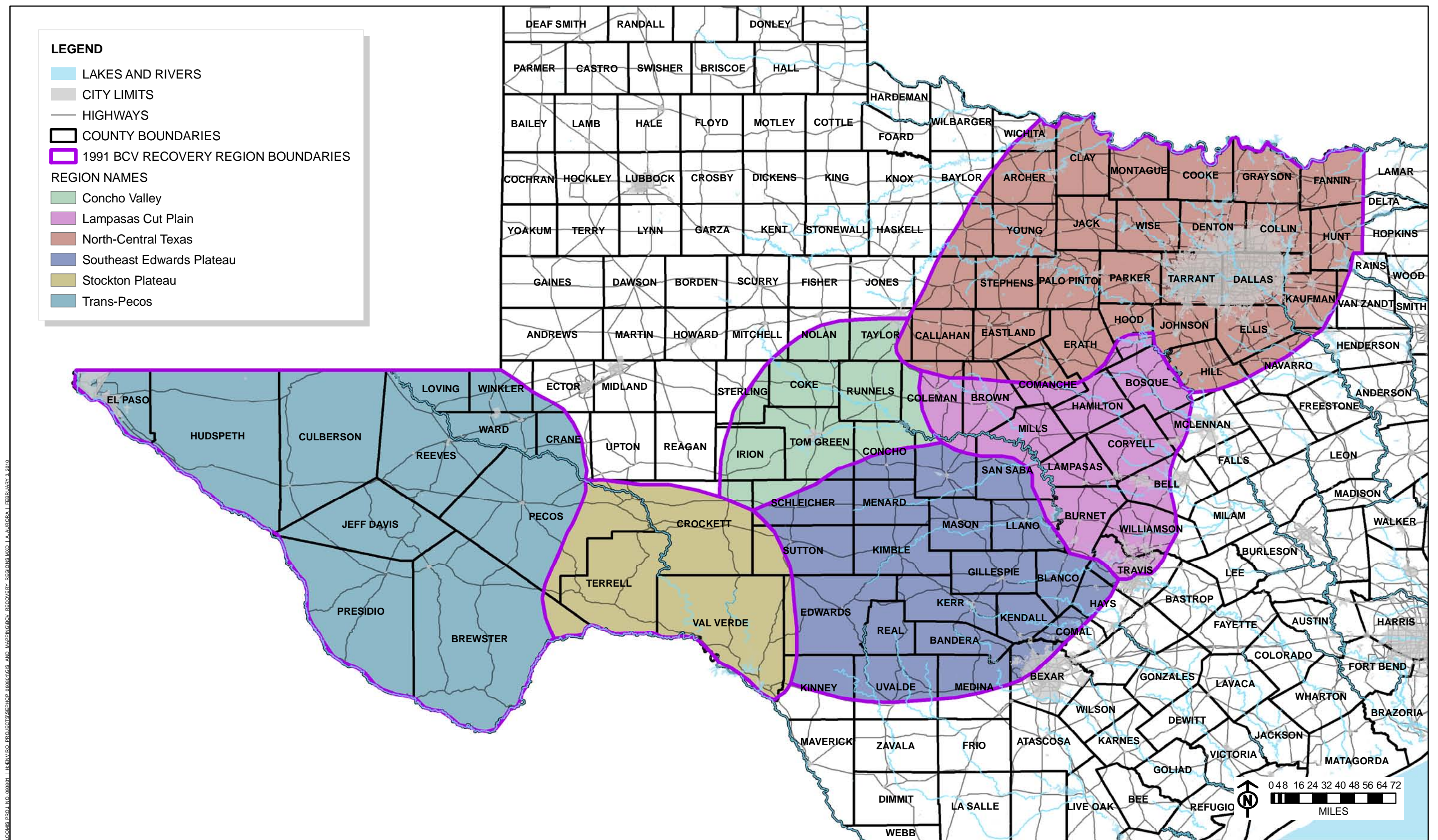
Incidental Conservation Benefits

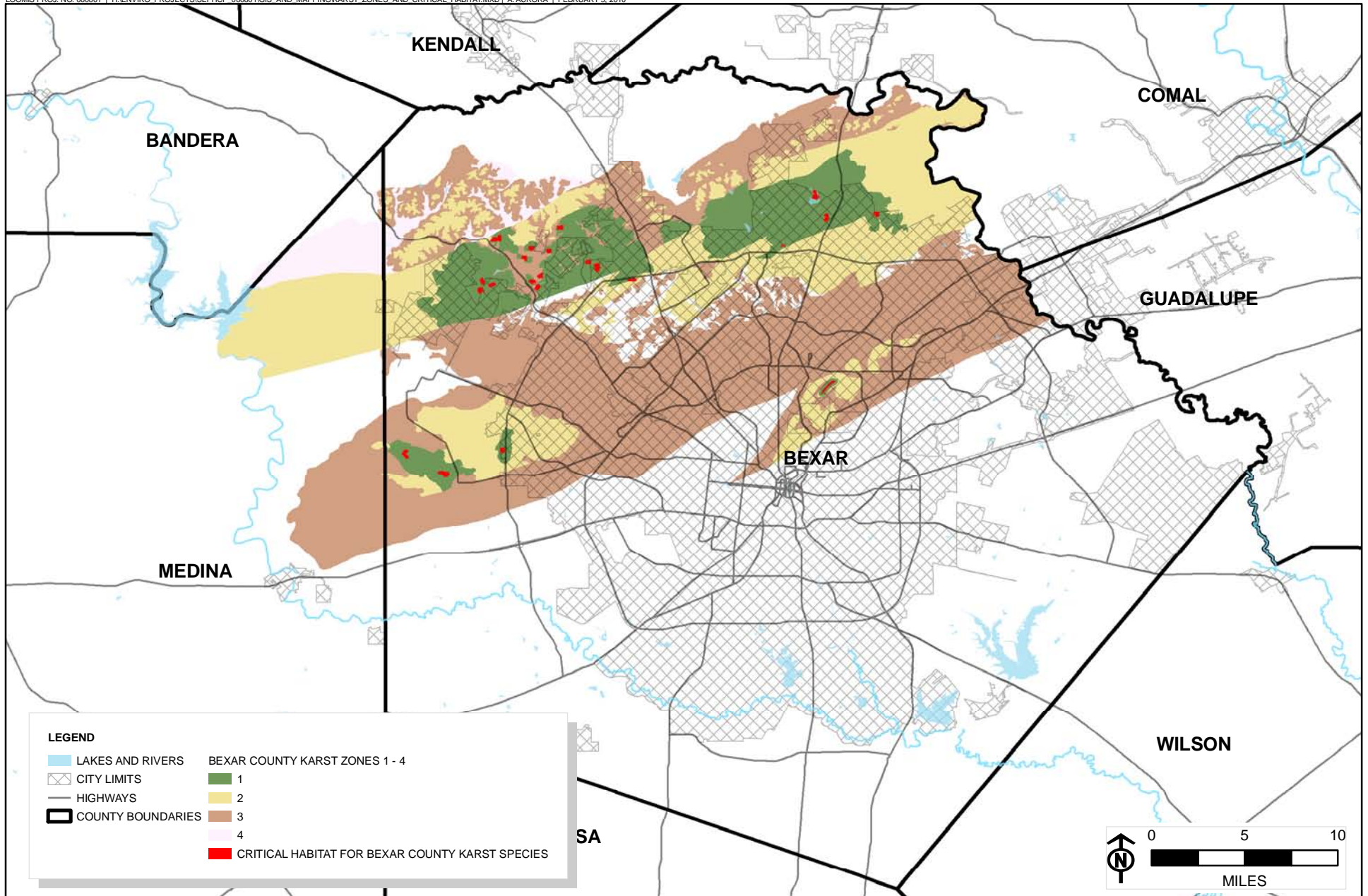
SEP-HCP may want to catalog incidental benefits to other rare or declining species that could accrue from conservation measures for the Covered Species.

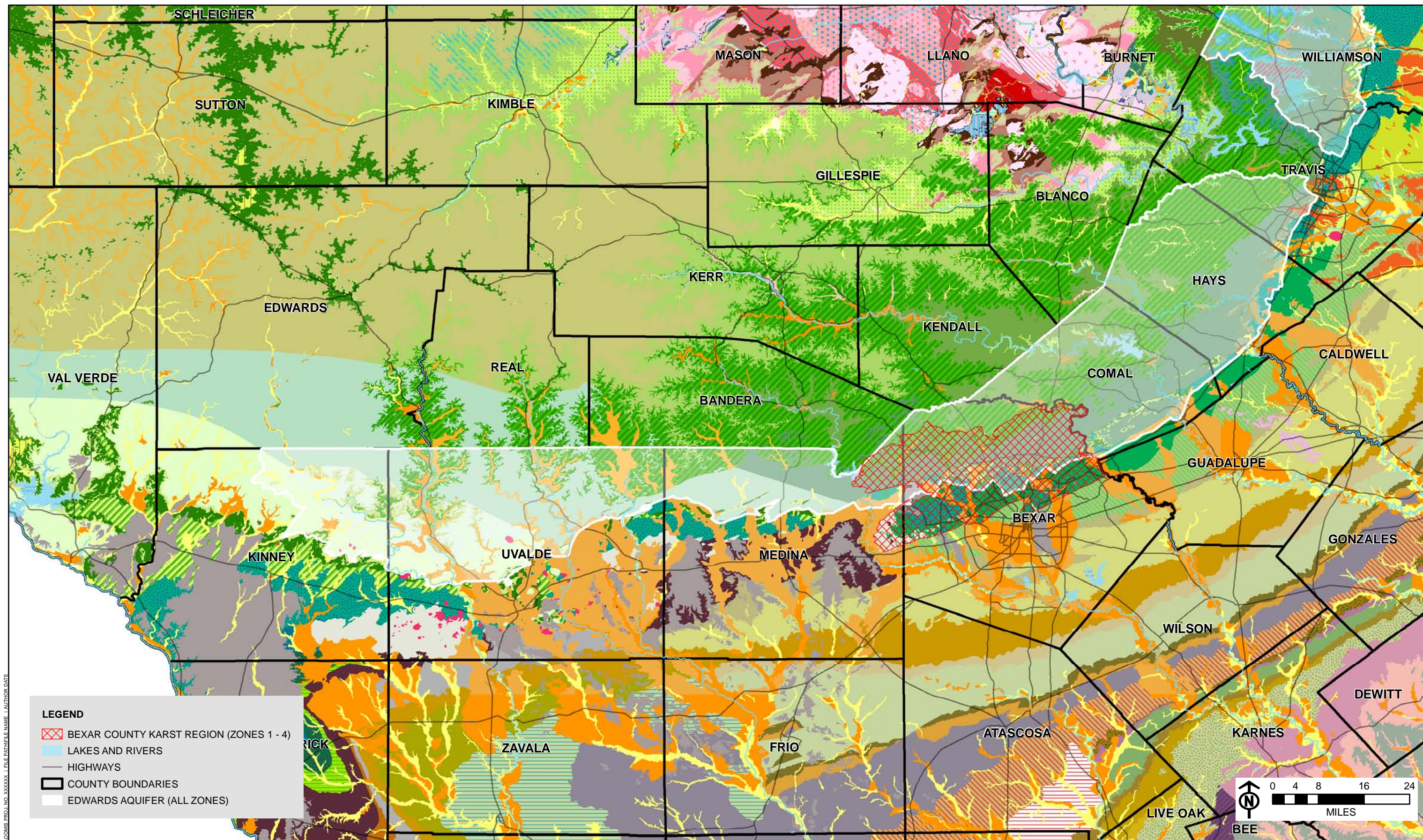
6.0 References

- Campbell, L. 2003. Endangered and threatened animals of Texas: their life history and management. Texas Parks and Wildlife Department, Austin, Texas.
- Paquin, P., and M. Hedin. 2004. The power and perils of 'molecular taxonomy': a case study of eyeless and endangered *Cicurina* (Araneae: Dictynidae) from Texas caves. *Molecular Ecology* 13 (10): 3239–3255.

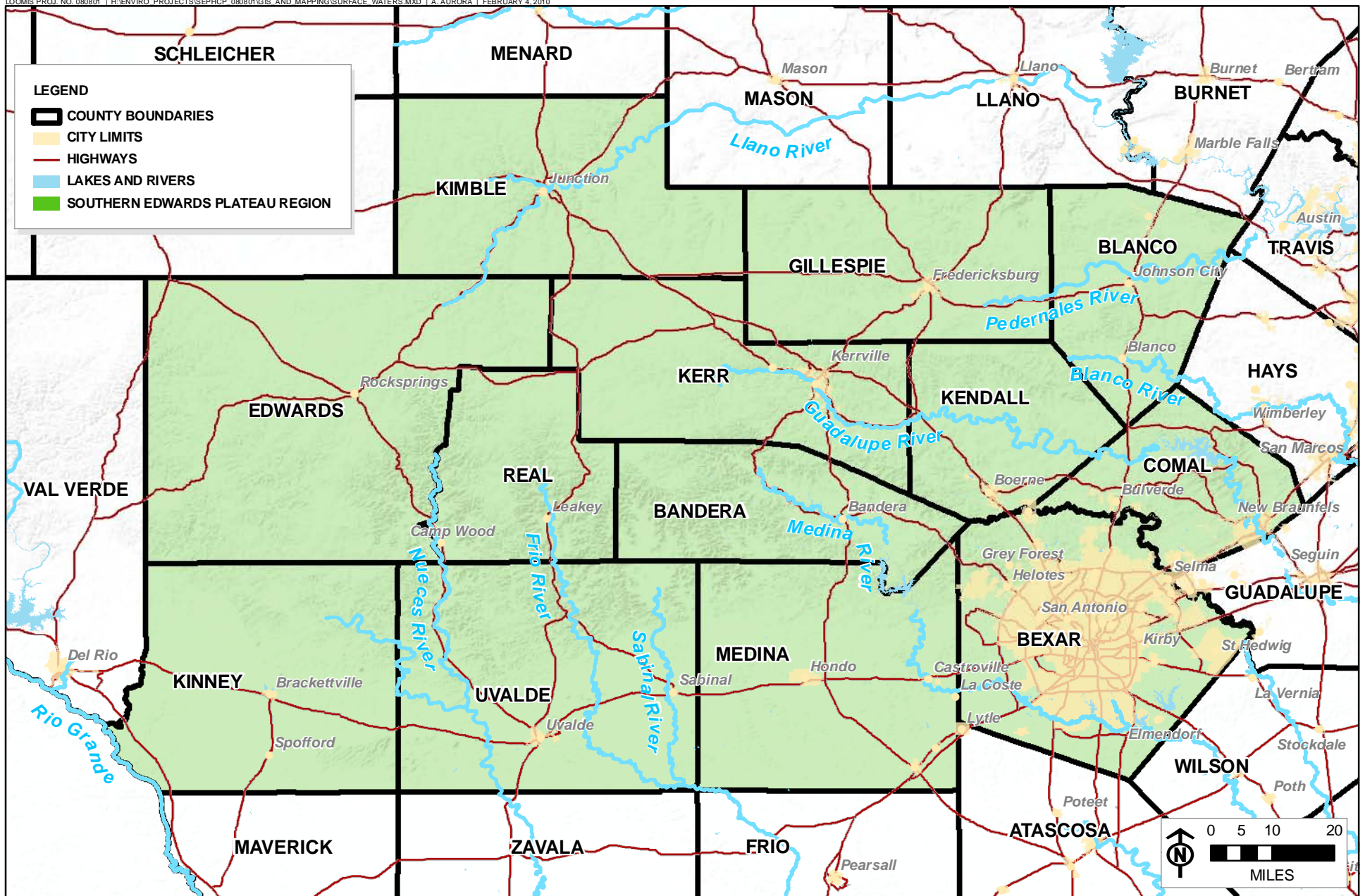








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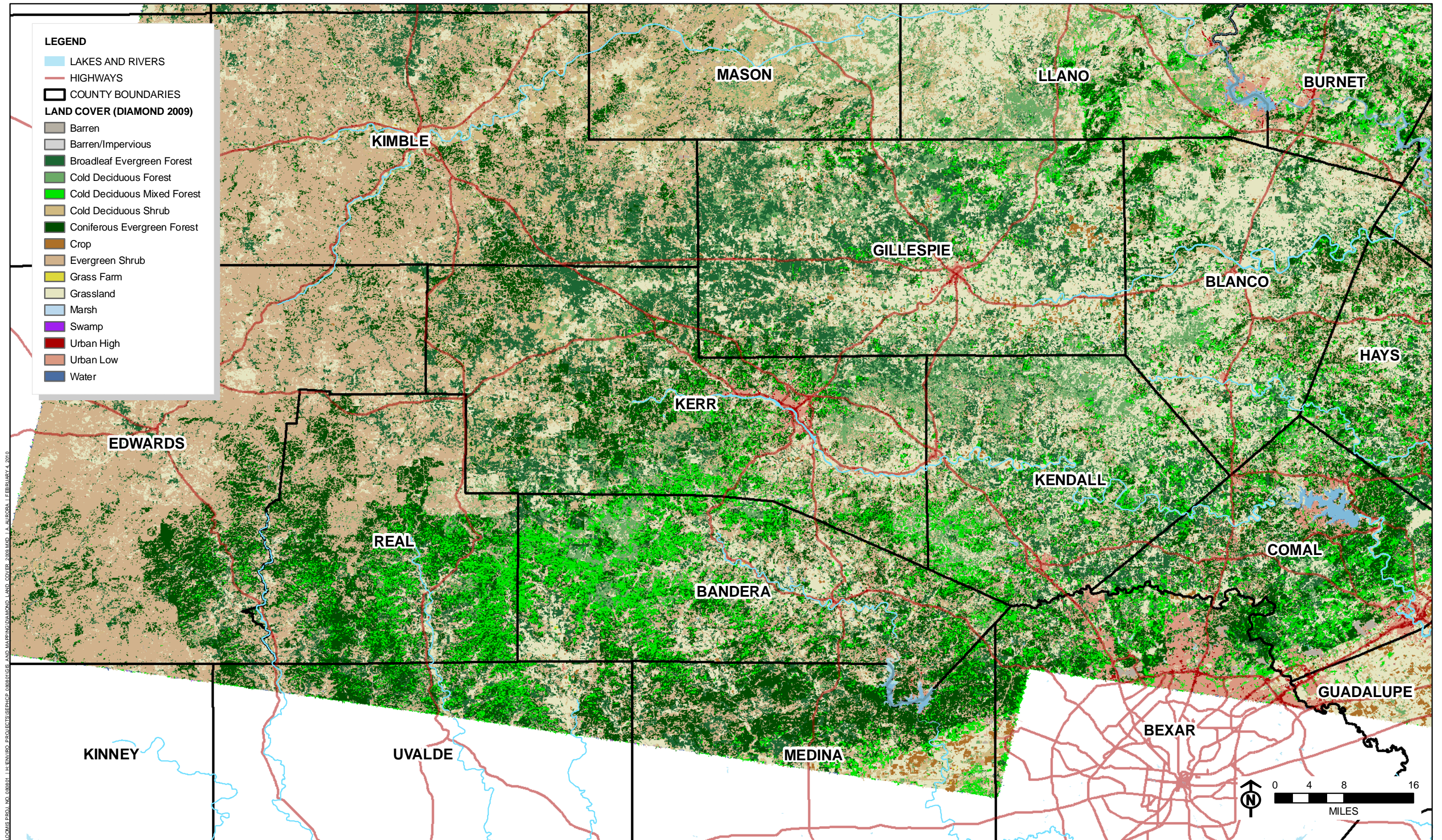


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PARTNERS

MAJOR RIVERS IN THE SOUTHERN EDWARDS PLATEAU REGION

DRAFT FEBRUARY 8, 2010
INFORMATION SUBJECT TO CHANGE



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